

# **THE PRESENT UN REFORM PROCESS**

## **why is it important for civil society**

### **General introduction**

Subjecting the UN to reform-processes is nothing new. At present (July 2006) there are 12 identified processes in the UN that are referred to as reforms. Some of these processes when finalized may have deep-rooted effects on the organisation. Others are processes initiated more to update the system to meet the day to day of changing political realities. Two of the ongoing reform processes will have direct bearing on the work and the political realities of sustainable development. These particular processes are in a general way referred to as 'the 169 initiative', as they take their mandate from paragraph 169 of the outcome document from the Summit on the Millennium Development Goals from September 2005 at the UN Headquarters (Resolution adopted by the General Assembly, 60/1.2005 World Summit Outcome; A/RES/60/1). Maybe the most prominent of these, politically speaking, is the reform on System Wide Coherence. This process is headed by a prestigious High Level Panel under the leadership of three Prime Ministers with a host of other internationally well-known actors as panel participants. Some observers are of the opinion that the System Wide Coherence process may have overarching responsibilities. Should therefore 'the environment' or 'sustainable development' be mentioned in an indirect or insignificant manner in the report from this reform process, it may well affect how these issues will be dealt with by the UN and the international system in the future. Hence the outcome of these reforms will also directly affect all members of civil society dealing with sustainability issues.

### **Strengthening or weakening**

To many, streamlining, modernizing and above all slimming an organisation, which is being subjected to the reform seem to be the overarching and most important goal and outcome of a reform. Many politicians have spoken favourable over the years of slimming the UN and thus make it more efficient. Despite serious efforts to this effect, development to the contrary has taken place and the UN and its many tasks have proliferated. In the public eye, this is generally expressed as a negative trend.

Is this proliferation a bad sign? Is this by definition a sign of inefficiency as the US time and again has stressed? The famous Swedish economist Gunnar Myrdahl pointed out back in the early 1960s that whenever the member nations talked about UN reform, it meant in reality that they wanted to weaken the system and its influence. This particular discussion is absent from the present efforts to be ingenious and reform friendly within the UN system. Weakening the UN means also weakening the multilateral and intergovernmental systems and cooperation. This will also have direct and adverse influence on the role of civil society and NGOs in today's world.

On the other hand, it is well worth noticing that the present reform initiatives also may open up opportunities that civil society may utilise, provided it is willing to involve itself wholeheartedly in this work and do so strongly. But to do so, the adverse consequences of an all out reform must be identified, and fought.

NGOs can display impressive strength when they cooperate, a strength which is often persuasive to the authorities. This understanding is behind the present effort by a number of globally oriented NGO networks to cooperate and pool their resources in relationship to the ongoing reform processes. Hence, the initiative by Greenpeace International, WWF International and ANPED, to produce a joint paper on the reform as it is handled within the System Wide Coherence. The purpose of this cooperative effort is to embark on a joint lobby-campaign with the aim to secure within the recommendations emanating from the High Level Panel a number of issues and values that are central to work on sustainable development issues and to the presence of civil society in international affairs and intergovernmental proceedings. So far this initiative has attracted the interest of a number of

large NGO networks such as TWN, Oxfam, ICFTU, WEDO as well as IIED and a few of them have also signed on to the initiative.

### **The outcome, when and what?**

There are actually three processes under the so-called '169 initiative', which have accelerated in activity and significance since February this year. The outcomes of these initiatives, initially three different reports, are all supposed to be fed into the UN General Assembly debate that will take place this autumn (some time between September and December 2006 during which the General Assembly meets). The outcome result of a possible GA debate has the potential to lead to an unprecedented environmental governance reform and a strengthening of sustainable development issues within the UN. Taking the three processes together they will most probably affect all UN operations on the environment, development and humanitarian programmes in a serious way. The effect will be felt as wide apart as management of Multilateral Environmental Agreements, relationship with development and humanitarian programmes, through to duplication, blockages, non-compliance, reasons for strengthening environmental powers and management, down to programme level (who gets to manage sustainable development programmes, which ones they keep and what happens to the funding), and who manages what afterwards. As such, it is easy to see that the outcome will also affect the work civil society, including NGOs, is trying to do in this field.

### **The three processes**

They are all rooted in the so-called Outcome Document from the MDG Summit <sup>1</sup>, more specifically paragraphs 155 a through e, and paragraph 168 and 169. The three processes under 169 are:

1. Taskforce on System Wide Coherence or synergies/reform in the environment/development/humanitarian arms of the UN headed by three PMs (Norway, Pakistan, Mozambique), a total of 15 high level people (Executive Director of the taskforce is Adnan Amin (of UNEP).
2. Taskforce on environmental governance or a United Nations Environment Organisation. The taskforce is headed by Switzerland and Mexico
3. ECOSOC reform - taskforce headed by Belgium and Mali - could be of lesser interest to us but worth keeping an eye on as it is the umbrella part of the UN dealing with environment/development.

### **Problems and challenges**

What appears to be a regular process concerning the reform of the UN, may harbour a number of hidden challenges, and conceal some important problems. A positive outcome may simply be an upgrading and strengthening the UN and its environment and sustainability profile. To give a positive impression of a political outcome on sensitive issues, messages are often expressed in general terms under the heading of 'streamlining' or 'mainstreaming'. Seeing these concepts used, may make us stop and think.

Unless a vigilant eye is kept on the reform process and its potential outcome, reforming the UN system may render it less open, transparent and participatory than it is today, something which is likely to hurt civil society. From having followed the process since February, it appears that some of the big powers, including a few from the G-77 camp, continue to pay lip service to civil society. As stated above, streamlining and mainstreaming are two words often used to give the impression of taking something seriously. The intention behind this alluring concept is that whatever is meant to be taken seriously should be done in such a way that everybody will automatically be conscious of what should be mainstreamed: gender, the environment, universal human rights etc. But mainstreaming and streamlining may in reality be key words implying in the end no activity. In the case of the ongoing reform work, this may indeed apply to environment as well as sustainable development, gender as well as civil society issues within the work of the System Wide Coherence process. This is also the reason why these elements have been taken up in the NGO paper and stated directly.

Another problematic and possible side effect of the ongoing reform work, pointed to by several observers, is that the streamlining process may actually reduce the role and importance of the

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<sup>1</sup> United Nations, General Assembly: Resolution adopted by the General Assembly, 60/1.2005 World Summit Outcome; A/RES/60/1

multilateral system on global politics and good governance. And if we do not pay attention to the technicalities of what is going on in the name of the reform processes, we may end up having a UN where the environment and sustainable development are endowed with less authority than what is the case today. This supposition is borne up by the fact that few of the key processes belonging to the environment/ sustainable development nexus, deal with key values that may direct or redirect development – economic as well as social. The crucial area of financing these processes is seen almost as a matter of technicalities. Finding an efficient way of disbursing the money appears to be the chief concern. Thus the solution on financing a reformed UN seems to be left to the IFIs – the International Financing Institutions, the World Bank, IFM etc. And it is well worth remembering that none of these institutions are democratic in their decision making process, nor are they subject to the decisions and influence of ECOSOC.

Another issue concerns the Rio Principles. They represent a core value system that since their inception to the world has been jealously guarded by civil society. Ignoring these values or weakening them will have disastrous consequences for all work on the environment and on sustainability issues. It is crucial that this system be brought into the ongoing reform work and reinvigorated into the UN system.

### **What can happen if we do not watch out?**

One of the so called 'reform initiatives, based on the philosophy that big is efficient, has been a move to collapse into one unit all the various entities working on development and environment including sustainable development. Talks around the idea of pooling 38 defined UN entities into three large bodies have been seriously developed and various options under this scheme have been discussed. This was supposedly an initiative coming from the US. All financial entities, including the GEF, the Global Environment Facility, should be found within a new unit, and all donor money should be pooled into this unit. There is growing opposition to this, and the proposal has been vigorously opposed by a number of the G-77 countries, not the least because they have a feeling that their political influence in such a body may be lessened.

In such a body the environment should be mainstreamed, and as such it would be given less importance. The same fate would also befall sustainable development.

Such a superstructure would be heavily inclined to develop technical solutions, be less concerned with a discussion on core values and per definition be less inclined to be transparent, and participatory. It would also move away from the standard setting functions of the UN.

### **Work on sustainable development is basically built on the philosophy of 'precaution'**

If one takes a critical look at the Rio Conventions (Climate, Biodiversity, Desertification, as well as the Principles for managing forests,) they are all built on an implicit understanding of the precautionary principle. At the time of presenting this principle back in 1992 at the Rio Summit, the UNCED, it received widespread recognition. Since then more and more actors on the national, regional and international scene have understood the full implications of this principle, and many, especially those actors strongly associated with market-based solutions and voluntary initiatives as the ultimate panacea, are either moving away from the principle or are strongly opposing it.

The precautionary principle implies understood risks associated with future development, and implies also a willingness to try to tackle this by providing funds, by providing a change of policy direction, by even applying a different set of values to international development before the 'understood and identified risks' have materialised. One can easily understand why many oppose this principle, and demand that science prove the predicament inherent in accepting the fact that climate change takes place, that there is actual and specifically proven loss of biodiversity etc. And as science also seems to corroborate time and again that applying the 'precautionary principle' is both useful and makes sense – there are now tendencies to influence the independent scientific research carried out these areas. Mary Kaldor of the London School of Economics, writes in the new edition of 'Global Civil Society' a recently published yearbook on civil society: "Indeed, it can be argued that the state's responsibility for physical and material security – for protecting people against risks which range from nuclear war

to poverty – was always an expression of the precautionary principle within the boundaries of the nation state.”<sup>2</sup>

Reversing this trend is a serious setback for all development efforts, be they associated exclusively with the environment or in more general terms with sustainable development or the MDGs for that matter.

### **Normative vs operational**

Many will undoubtedly claim that the issue of global standard setting is closely linked to what was discussed in the above paragraph on the precautionary principle. The issue of standard-setting functions of the UN, its so-called normative mandate set against the UN's operative mandated, has become one of the major challenges identified by the three processes under the so called 169 initiative. During the official meetings, the three panels seem to return to this issue, time and again. A joint position by WWF International, Greenpeace International and ANPED presented to the panel also states that:

“One of the major functions of the UN is global standard setting. The key to providing effective normative work is that form must follow function. This must also be the case in the field of the environment. The work must be structured around addressing the underlying causes of environmental degradation and creating the tools and mechanisms to do so effectively. Duplicative processes and actions that detract resources away from solving environmental problems must be avoided. Substantive work must not be simplified to the degree that it is made ineffective.”

The discussion on norms, regulations, standard setting, binding conventions and compliance mechanisms is being challenged by a number of actors. However, the opposing forces are easily detected, and they are represented

- By the market
- By the private sector
- By a number of nations, headed by the US
- And a large contingency from G-77

In a participatory and transparent system, it seems that these actors are not unimpressionable, and are willing to listen to discussions and strengthening the intergovernmental system. For as a number of private sector people working within the intergovernmental system have indicated: the market needs regulation and a set structure based on norms to be functional and efficient.

### **Why should we be involved?**

The paper produced by WWF International, Greenpeace International and ANPED, which by now has been signed on by a number of large NGOs and their networks, is an expression of what we would like to have the High Level Panel prioritise. But we need to follow how the discussion evolves around the panel, and also discuss among ourselves the reform process and see what it actually gives us. There are a number of reasons why the ANPED network and its individual members should both take an interest in the process, and also sign on individually on to the paper.

The reform process touches on all our work areas:

On an overarching level, it is easy to see that we are all touched by what the reform process may deal with. The entire membership of ANPED are involved in one or more of the following processes or areas that we would like to have strengthened:

- Sustainable Production and Consumption and the Marrakech process;
- Fighting for and making sure that the Rio Principles are both alive and meaningful;
- The challenges posed by really operationalising the Rio conventions;
- Giving real power to the more than 400 MEAs, (many affecting regional and cross-boundary programmes and work plans);
- Upgrading and strengthening the scientific base behind environmental research and translating this information into operational projects that can be financed, implemented and monitored based on quality criteria.

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<sup>2</sup> Mary Kaldor edit Global Civil Society 2005/06, Sage Publications. London, 2006, p2

### **Capacity Building – important to strengthen**

NGOs in Africa, Latin America and South Asia have expressed, (during the summit hearings in 2005) that the focus of governance reform must concentrate on building capacities in developing countries through improved financing mechanisms, technology transfer and other assistance. This is also reiterated in Paragraph 169 of the World Summit Outcome Document, which underscores the need for stronger UN system-wide coherence through, among other things, better integration of environmental activities at the operational level through capacity building.

The existing system of international environmental governance appears often fragmented and poorly coordinated. As such it does not facilitate the technology or policy support and funding that is needed for developing countries to develop the capacities to meet their international commitments or to fully engage in international policy making. UNEP recently adopted the so-called Bali Plan for Capacity Building (2004). The Bali Plan is one of many so-called tools of IEG, International Environmental Governance. This plan opens up in many ways possibilities for ANPED to develop and carry out capacity building projects with members in Eastern Europe and Central Asia. As may be remembered, ANPED has signed an MOU with UNEP-ROE, and this close cooperation may serve us well in the future, provided the UN is given as strengthened mandate on sustainable development. These are one of many issues NGOs need to push for in the reform work. It is also duly reflected in the proposed paper.

### **NGOs have a role – if we move**

The reform processes are in response to the ongoing efforts by the UN to undergo reforms to meet 'the challenges of the 21<sup>st</sup> century'. What is clear is that no one, be that at the UN, country's permanent missions, in the capitals or at NGO level knows what the result and outcome of these efforts will be. Of note, when the '169 process' was initiated, there were no formal NGO roles in the reform work. Except the initiatives taken by the NGO Consortium (WWF, Greenpeace and ANPED), and an initiative taken by Stakeholder Forum, no other NGOs were significantly engaged at the beginning of the process in February.

Even though it was explicitly expressed by representatives from the UN at the outset, that consultations would be held with civil society at an appropriate time, this only happened after considerable pressure was brought to bear on the UN Secretariat by the above mentioned NGOs. A civil society statement on strengthening the UN Environment authority was submitted at the UNEP Ministerial in Dubai in February this year, and with the steady work from the NGO Consortium with growing support from a number of significant NGOs on lobbying the UN for more transparency and participation, the UN decided to hold hearings with civil society prior to the ECOSOC session in Geneva in July. These hearings took place at the beginning of July, and the paper from the NGO Consortium was given to the High Level Panel, together with papers from WEDO, TWN, Stakeholder Forum, ICFTU and a consortium of NGOs representing Human Rights issues.

The report is not official until sometime in mid-August. After that, the report will be discussed during the entire GA season – beginning around the 15<sup>th</sup> of September and ending ca the 21 of December. The more NGOs that sign on, the stronger the NGO influence will be felt. The fact that NGOs were able to have an official hearing with the High Level Panel, is just a first sign of making a difference.

Together we make a difference – "we, the peoples".

*For further information:*

*Terms of Reference for New Study on United Nations System-Wide Coherence in the Areas of Development, Humanitarian Assistance, and the Environment see:*

<http://www.un.org/events/panel/html/page2.html>

*A complete list of panel members:* <http://www.un.org/events/panel/html/page1.html>

*For more information on art. 169 see resolution A/Res/60/1:*

<http://daccessdds.un.org/doc/UNDOC/GEN/N05/487/60/PDF/N0548760.pdf?OpenElement>

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